

BEFORE THE BOARD OF LABOR APPEALS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed repeal) NOTICE OF PUBLIC HEARING
of ARM 24.7.302, 24.7.307, 24.7.310,) ON PROPOSED REPEAL
and 24.7.314, related to Board of)
Labor Appeals procedural rules)

TO: All Concerned Persons

1. On February 8, 2008, at 11:30 a.m., the Board of Labor Appeals (board) will hold a public hearing to be held in the first floor conference room (Room 104), Walt Sullivan Building, 1327 Lockey Avenue, Helena, Montana to consider the proposed repeal of the above-stated rules.

2. The board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the board no later than 5:00 p.m., on February 1, 2008, to advise us of the nature of the accommodation that you need. Please contact the Office of Legal Services, Department of Labor and Industry, Attn: Marieke M. Beck, P.O. Box 1728, Helena, MT 59624-1728; telephone (406) 444-2917; fax (406) 444-1394; TDD (406) 444-5549; or e-mail mabeck@mt.gov.

3. The board proposes to repeal the following rules:

24.7.302 GENERAL RULES GOVERNING APPEALS found at page 24-267 of the Administrative Rules of Montana.

AUTH: 2-4-103, MCA
IMP: 2-4-103, MCA

REASON: There is reasonable necessity to repeal ARM 24.7.302 because the board has determined, as part of a recent review of its rules, the rule is obsolete and redundant when read in context of the rest of the board's rules.

24.7.307 WITNESS FEES found at page 24-279 of the Administrative Rules of Montana.

AUTH: 2-4-201, MCA
IMP: 2-4-201, MCA

REASON: There is reasonable necessity to repeal ARM 24.7.307 because the board has determined, as part of a recent review of its rules, that the rule is obsolete and misleading because the board does not have any funds available to it to make reimbursements for witness fees paid.

24.7.310 BENEFIT DETERMINATION NOTICE found at page 24-280 of the Administrative Rules of Montana.

AUTH: 2-4-201, MCA

IMP: 2-4-201, MCA

REASON: There is reasonable necessity to repeal ARM 24.7.310 because the board has determined, as part of a recent review of its rules, the rule is redundant when read in context of the rest of the board's rules.

24.7.314 BOARD REVIEW found at page 24-281 of the Administrative Rules of Montana.

AUTH: 2-4-201, MCA

IMP: 2-4-201, MCA

REASON: There is reasonable necessity to repeal ARM 24.7.314 because the board has determined, as part of a recent review of its rules, the rule is redundant when read in context of the rest of the board's rules.

4. An on-line version of the board's rules, including the full text of the rules proposed for repeal, is available on the internet at <http://arm.sos.mt.gov/24/24-271.htm>. The text of the rules proposed for repeal can be found in the printed version of the Administrative Rules of Montana on the pages indicated in paragraph 3. A copy of the rules proposed for repeal is also available upon request to Marieke Beck, whose contact information is listed in paragraph 2.

5. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Marieke M. Beck, Agency Counsel, Office of Legal Services Department of Labor and Industry, P.O. Box 1728, Helena, Montana 59624-1728; by facsimile to (406) 444-1394; or by e-mail to mabeck@mt.gov, and must be received no later than 5:00 p.m., February 15, 2008.

6. An electronic copy of this Notice of Public Hearing is available through the Department of Labor and Industry's (department) web site at <http://dli.mt.gov/events/calendar.asp>, under the Calendar of Events, Administrative Rules Hearings Section. The department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that a

person's difficulties in sending an e-mail do not excuse late submission of comments.

7. The department and the board maintain lists of interested persons who wish to receive notices of rulemaking actions proposed by the department and/or the board. Persons who wish to have their name added to the lists shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program or areas of law the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1327 Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, e-mailed to mcadwallader@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

9. The department's Hearings Bureau has been designated to preside over and conduct this hearing.

/s/ MARK CADWALLADER

Mark Cadwallader
Alternate Rule Reviewer

/s/ ELIZABETH BEST

Elizabeth Best, Chair
BOARD OF LABOR APPEALS

Certified to the Secretary of State January 7, 2008